



Licensing Team

Harlow Council

Civic Centre

The Water Gardens

Harlow

CM20 1WG

DATE: 16.01.2019

## **Response to Statement of Licensing Policy Consultation**

Dear Sirs

Thank you for inviting Essex Police to be a consultee on the Council's 2019/24 Licensing Policy.

As this is a revision to an already comprehensive and well established policy, Essex Police has few observations to make and those we do have (set out overleaf) are minor in nature.

Yours faithfully,

Gordon Ashford

Licensing Manager

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[Licensing.applications@essex.pnn.police.uk](mailto:Licensing.applications@essex.pnn.police.uk) 01245 452035

In an emergency always dial **999**. For non emergencies dial **101**

[www.essex.police.uk](http://www.essex.police.uk)



### **Observation 1**

Paragraph 8.13 of the revised guidance issued under section 182 of the Licensing Act 2003 outlines those persons etc. entitled to make representations to licensing authorities in relation to applications. This guidance was revised in recent years so that representations could be made by any individual, body or business regardless of their geographic proximity to the premises.

The Council's proposed policy, as set out within paragraph 1.25 (Representations) appears to set out the previously existing situation where an 'interested person' is defined as persons that live in or are involved in a business in the licensing authority area.

### **Observation 2**

Paragraph 1.51 (Advice and Guidance) of the proposed policy sets out that the Council encourages pre-application discussions to assist applicants to develop their operating schedule. Paragraph 1.52 refers to the potential benefits of applicants discussing their proposal with 'the licensing team and those from those whom they think representations are likely (...)'.  
Essex Police is particularly keen to encourage pre-application discussion between itself and applicants and also has produced a suite of 'model' conditions that an applicant may choose to use in framing their operating schedule. Might the Council's policy make some mention of the willingness of Essex Police to assist applicants in this manner?

### **Observation 3**

Paragraph 11.2 of the revised guidance issued under section 182 of the Licensing Act 2003 states "(...), or any other person, may ask the licensing authority to review the licence (...)". This appears to suggest (like paragraph 8.13 of the Guidance) that geographic proximity is no longer a requirement in being able to ask a licensing authority to review a licence or certificate.

The Council's proposed policy, as set out within paragraph 1.55 (Representations) appears to set out the previously existing situation where an 'interested person' is defined as persons that live in or are involved in a business in the licensing authority area.



#### **Observation 4**

The Council's draft policy at paragraph 3.5 provides examples of control measures for the prevention of crime and disorder. This paragraph concludes with "Pre-application discussions with Responsible Authorities are encouraged to assist applicants to develop their operating schedule". The draft policy at paragraph 2.3 also refers to control measures as regards all four licensing objectives.

Essex Police is particularly keen to encourage pre-application discussion between itself and applicants and also has produced a suite of 'model' conditions that an applicant may choose to use in framing their operating schedule, especially in determining which control measures may be suitable for the prevention of crime and disorder relating to the particular premises in question.

Essex Police considers that an applicant (or their representative) having sight of this suite of conditions/control measures considerably speeds up the application process. It also reduces the cost to applicants where a representative is employed, and otherwise Essex Police and that representative need to enter into discussion concerning appropriate control measures. Our experience is that where an applicant or their representative has prior sight of these potential control measures, applications proceed more effectively and efficiently.

Might the Council's policy make some mention of the willingness of Essex Police to assist applicants in this manner and that in particular it can provide a comprehensive list of potentially appropriate control measures?